

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

KELVIN ANDRE SPOTTS,

Plaintiff,

versus

CIVIL ACTION NO. 1:17-CV-224

REGIONAL DIRECTOR MALDONALDO,
et al.,

Defendants.

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Kelvin Andre Spotts, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this lawsuit against prison officials.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed for failing to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes Plaintiff's objections are without merit. Plaintiff claims he did not intend to file a new action, but intended to file this action as part of his previous lawsuit, civil action number 1:07cv159. However, plaintiff's previous case has been closed for more than nine years.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is

ADOPTED. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 1st day of December, 2017.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE